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UNCLAS THE HAGUE 000251

SIPDIS

SENSITIVE

DEPARTMENT FOR L - TAFT/SCHWARTZ, L/UNA -  
MATHIAS/LAMOTTE/COGAN

E.O. 12958: N/A

TAGS: [PREL](#) [KPAL](#) [ICJ](#)

SUBJECT: ICJ: US STATEMENT IN FENCE PROCEEDING SUBMITTED TO  
COURT

1. (U) Sensitive but unclassified.

2. (U) On January 30, Embassy Legal Officers delivered to the International Court of Justice (ICJ) the U.S. written statement in the proceedings concerning the UN General Assembly's request for an advisory opinion as to the "legal consequences of the construction of a wall in the occupied Palestinian territory." Israeli Embassy officers were also delivering Israel's statement at the same time, and an ICJ legal officer said that more than a dozen such statements had already been delivered by this morning. It was the latter's expectation that approximately thirty written statements would be submitted by day's end. The Court Registry will be working over the weekend to copy all statements and make them available to United Nations Member States on Monday. Upon receipt, Embassy will transmit the documents to L.

3. (SBU) Embosffs have learned that one of the issues the Court will be considering in coming weeks is the amount of time to be devoted to the oral proceedings, scheduled to begin on February 23. Registry legal officer explained that the hearings could occur over two full weeks, though the amount of time depends upon the number of participating parties. It remains unresolved how much time each participant would be allotted during the hearings. The Court will also have to determine the order of the hearing and whether to include a second (i.e. rebuttal) round. These decisions will be taken after the February 13 deadline for parties to indicate whether they intend to participate in the oral proceedings. The registry officer indicated that, assuming a desire to participate in oral proceedings, the UN might be given the floor first, followed by Palestinian and Israeli advocates (who would be given "more" time than other participants), followed by other states (likely in alphabetical order), and lastly the two organizations (i.e. the Arab League and Organization of Islamic Countries) that the Court has already authorized to participate.

RUSSEL